



Benton County Planning Board

Public Hearing

Technical Advisory Committee Meeting

April 18, 2012

MEETING MINUTES

PUBLIC HEARING

Meeting convened at 6:00pm

Roll Call: Present: Lane Gurel, Ken Knight, Starr Leyva, Jim Cole, John Pate and Mark Curtis.

Disposition of Minutes from 4/4/2012. Mr. Curtis motioned to approve the minutes; Mr. Knight seconded the motion. The minutes were unanimously approved.

General Public Comment: Susan Hernandez, address 21787 Meadow Wood Dr., Siloam Springs, AR, 72761, stated her property joins Downtown Towing. Downtown Towing is a case on the present TAC agenda. She wishes them success in business but this is a residential area. She can see the wrecked vehicles from her windows; and there is traffic in and out. The bright light shines into their windows and she doesn't feel the storage of wrecked vehicles in a residential area is appropriate. Ms. Hernandez asked about the possibility of light shielding.

Mr. Ken Knight, address 17942 Ridgeway Dr., Siloam Springs, AR, 72761, stated that Downtown Towing has done an admirable and successful job for their business. His most pressing issues included the issue of vehicles property. Mr. Knight also mentioned steady truck traffic in and out of the Meadow Wood subdivision. The only road in and out of the subdivision is Meadow wood Rd. and all those entering can see stored and wrecked vehicles. According to a realtor Mr. Knight contacted the presence of the lot reduces the value of houses in the area by 5-10%. He has been told by the realtor that it may be difficult to sell the home across the street from the lot due to its use. The neighbors to the south have customers showing up at their door asking if they can get into the tow lot from there. Mr. Knight also indicated that the neighbors to the south had to have a driveway gate installed on their property to keep these people out. He noted that a halogen light shines into the homes of people to the north and indicated those residents had to install black-out curtains in order to reduce the light nuisance from the halogen light. Mr. Knight also stated that there are nuisances from safety back up horns and truck lights late into the night and that the contamination of storm water from gas, oil, and antifreeze, was an issue.. Mr. Knight indicated that there was an intermittent stream bed at the south west edge of the property which flowed passed a children's camp into a tributary of the Illinois River which then flows past a children's camp.

Old Business: None

New Business: None

TECHNICAL ADVISORY COMMITTEE

Call to Order:

Old Business:

Allen's Country Plant Addition, LSD, Project # 12-175—JP District 13, 14961 Readings Road

Description of Property/Proposal

Staff noted the subject property is an existing industrial plant canning operation located on two parcels totaling 132.93 acres. The plant has an off-site process water treatment plant and retention pond south of the subject parcels. Existing parking, truck scales, and other storage buildings and pump house are on the site.. The area is open pasture/fields. The existing Clear Creek main flow moves directly under the existing plant and goes through the existing facility. Existing county roads surround the site on three (3) sides including Readings Road, Water Tower Road, and Fire Hydrant Road. Subject parcels are surrounded by lands owned by Allen's Canning. Staff noted that this should be indicated on the plans.

Proposed Land Use:

The applicant proposes a large expansion of the plant warehouse plus the relocation of portions of roads and utilities. Specifically the applicant proposes to develop a new commercial building (205,000 s.f. warehouse and loading dock addition). The addition is proposed to be connected to the southwest corner of the existing building complex adjacent to existing Water Tower Road. Additionally, the applicant is proposing eighteen (18) new loading docks on the north side of the proposed addition plus a large concrete pad and concrete service drives around the proposed addition.

Staff Comments/Applicant Comments:

Mr. McKeehan asked if Mr. Bates had had any more contact with source gas regarding the relocation of the gas lines presently on site.

Mr. Bates stated that he had been working with them and they are assembling meters , looking at easements, and determining where the meters will be sited Mr. Bates indicated that he had sent in revisions but hasn't heard back from them.

Mr. McKeehan noted that t there are still outstanding items associated with the application. The items include the provision of a revised survey by Blue and Associates in the plans. This shows the entire piece of property and the adjacent property owners and the configuration of the roads around it and as to which ones are private and public.

Mr. McKeehan also noted that the Blue and Associates survey indicated the handicap parking presently on site. This parking is located at the north end of the property and is not indicated on the currently submitted plans. It would be useful to identify the current handicap parking.

Mr. McKeehan stated that most of Water Tower road and Fire Hydrant Road has been identified as having been abandoned.

He said that Cindy Jones identified that the County Road department did request the remainder of 499 ft. of Water Tower Road in the far south east part of the plant to be also abandoned. The Road Department requested that the plans show the parcel lines now on the property and that are in the vicinity of the expansion.

Mr. McKeehan stated that the applicant has requested a variance to the setback requirements as the building sits over the parcel line as per the plan.; He noted that a complete table for all the required

onsite parking, including area dedicated to offices and bathrooms, should be completed by the applicant,

Mr. Burris said that the restrooms are intended to serve that side of the warehouse and the warehouse is not intended to house any additional employees for the warehouse expansion. It is solely to be used for canned goods storage. He stated that they have increased their production and need additional storage in the area. No new employees are planned. He noted that the break room 20x20 and it's a supplement to the rest of the plant location.

Mr. Bates stated that he understood that parking was solely based on the number of employees.

Mr. McKeehan requested conformation that there will be no additional employees.

Mr. Burris that they are replacing their production equipment and getting a new cooker in the plant but will not have any additional employees. The intent of the new addition is solely for storage of canning good items and storage before shipment and right now their storage is lacking.

Mr. McKeehan noted the 88 parking space variance granted in January. He asked if the 20 spaces being added to the eastside part of the expansion should reduce the 88 spaces to a 68 space variance.

Mr. Bates said yes.

Mr. McKeehan stated that there are 2 inch public water line and a 12 inch private fire line currently in place. These will have to be moved.

Mr. McKeehan said that the applicant has requested a waiver concerning the landscape buffer. He stated that the board would put together a motion upcoming public hearing.

Mr. Burris stated that Allen Canning owned all of the adjacent property.

Mr. McKeehan asked, about erosion control in place during construction.

Staff recommend the Board send the application to the May 2, 2012 Planning Board meeting. Mr. Gurel suggested the May 16th Planning Board Public Hearing meeting instead of the May 2nd meeting. This time line would better allow the applicant to send out public hearing notices. Staff and the applicant agreed.

Board Comments

Mr. McKeehan stated that staff sent out a number of notifications with departmental agencies including Carroll Electric, Source Gas, Gallatin Fire department, and Ben Roads from Siloam Springs Planning.

Mr. Gurel asked about truck traffic and access to Highway 412.

Mr. Knight stated it was a state issue and that he would follow up on it with the State Highway Department.

Mr. Gurel asked if increased production created an n increase in shipping therefore an increase in truck traffic.

Mr. Burris stated that this was a reasonable assumption and that Allen Canning would research the matter.

Mr. Curtis stated that he would like to know what the current truck traffic consists of.

Mr. Burris stated that the Road Department may have an updated assessment of the existing truck traffic, as well as new truck traffic. He said that Allen Canning can coordinate with the State Hwy department to find that information.

Mr. Gurel stated that it is a function of the State's but the Planning Board could always make it a stipulation that a truck traffic study be completed.

Mr. Bates stated that in the past whenever he has attempted to get state approval for a deceleration or acceleration lane the answer has been no.

Mr. McKeehan stated that he would like to know about the incoming product from other transports and other facilities, including incoming bottles, and cans.

Mr. McKeehan stated that staff would like to complete the paperwork, the variance as well as for the request to vacate the 499 ft. of Water Tower Road.

Mr. Gurel asked if the adjacent property notices had been mailed. Mr. Bates stated they had not.

Mrs. Leyva asked if there is a restroom on the south side of the structure for the increased truck traffic as well as for the truck drivers to have a break room and restroom facilities.

Mr. Burris stated that the main production and offices are located on the north side of the structure. The south side of the structure is a warehouse. The restrooms are on the north side which are in walking distance per the State's recommended 350ft travel distance.

Mrs. Leyva asked if the truck drivers would be able to utilize these restrooms. Mrs. Leyva stated that the whole building is on a septic system so that new addition would be tying in to that existing septic system or on a new septic system.

Mr. Burris stated that the truck drivers will utilize it.

Mrs. Leyva asked if Allen Canning had contacted the state about the existent septic system.

Mr. Burris stated that Allen Canning was attempting to complete the approval process, will start with the engineering of the building. Mr. Burris stated that nothing has been completed on the process except preliminary design layouts, exterior elevations, and pricing.

Mr. Gurel stated that if restrooms are added, Health Department approval will be required

Mr. McKeehan said that the sewer and the process water are combined out of this plant and go to one central location. Health department and ADQ approved a plant and a pond combination to the south of the main plant

Mrs. Leyva said that there was a very large septic system at the plant. It was not used for the processed water, they are completely separate. The water and waste processing was separated about 5 years ago. Ms. Leyva indicated she would provide staff with this information.

Mr. Burris stated that he would attempt to find the information through the plant engineer.

Mr. Gurel asked about the request for a variance to the setback due to the proposed building crossing parcel lines. Mr. Gurel asked if there was a reason that a variance to the setback was being requested versus combination of the parcels.

Mr. Bates indicated that the property line was in place due to a financing issue.

Mr. Gurel stated that it made more sense to combine the parcels.

Mr. Bates stated again that it may be for tax related purposes.

Mr. Gurel stated that if you were to combine the parcels it would mean an updated survey of the recombination of those parcels going into the assessor. Mr. Gurel stated that there would be a re-assessment anyway because of the improvements.

Mr. Ryan stated that it may be more feasible to do a lot line adjustment around the new improvement.

Mr. Bates agreed and asked if that is administrative.

Mr. Ryan stated that it was.

Mr. Gurel asked if there are any other issues to be discussed at TAC before it goes to public hearing.

New Business:

Downtown Towing, LSD, Project # 12-180-JP District 13, 21819 Meadow Wood Dr.

Description of Property/Proposal

The property is 2 acres (87,120 s.f.). The property lies within the Meadow Wood subdivision. The surrounding properties are single family homes. The property stretches from the high ground, where a single family home is situated, and extends down in to a valley at the rear. The holding lot is 58 ft. wide by 100 ft. long and surrounded by a perimeter fence. The lot is secured by a lock on the gate. The lot fence at the front of the property is 18ft from Meadow Wood Dr. At Meadow Wood Dr. the fence is a (6) six ft. wooden slat privacy fence. It is angled away from the road. A chain link fence runs along the southwest property line. Business activities include hauling and storing cars and large towing trucks. The holding lot is currently in use and has not been approved by the Benton County Planning Board

Project Proposal:

An application was submitted to allow continued use of the lower lot of the site for a temporary holding lot to store wrecked or damaged vehicles. The applicant indicated that the average number of stored cars for 2011 was 5 per month. The average storage time for wrecked or damaged vehicles is 8 days. The applicant indicated that no more than 5 vehicles are stored in the lot at any given time. The applicant proposes a restriction on hours of operation from 6:00 a.m. to 11:00 p.m. The applicant proposes to eliminate automotive fluids from leaking onto the lot.

Ms. McGetrick stated that a previous court case took place in 2008 involving the owners of Downtown Towing. The property owners were the rear of their property for a temporary holding lot for wrecked

and damaged cars without planning approval. At the time of the court case the applicant chose to discontinue business operations on the property. Recently operations were re-instated on the property without Planning Board approval. The issues relating to the previous violation were still valid so a new complaint was filed; at this time staff contacted the applicant in order to file a large scale development application.

Staff Recommendations:

Staff assembled a list of appropriate plantings which provide an adequate vegetative buffer. The buffer would supplement other steps the applicant can take (e.g. adding a privacy feature to side fence) to adequately screen the site from adjacent properties. Staff recommends a letter of coordination with the Siloam Springs Fire Department be submitted. Staff recommends the applicant submit statements indicating mitigation of light and noise nuisances, hazardous material contamination, and flooding. Staff recommends that the applicant provide additional information as per Board direction and that the application be heard at public hearing.

Applicant Comments:

Mr. Gurel asked if the applicant had any comments or questions concerning her application.

The applicant, Ms. Jill Lewis, at 21819 Meadow Wood Dr., Siloam Springs, AR, 72761, is representing Downtown Towing.

Mrs. Lewis stated that the neighbors to the direct south of her property installed a fence prior to Downtown towing operating their business. Ms. Lewis stated that she purchased the fencing material for the adjacent property owners. Ms. Lewis stated that she had been in direct contact with them and they have no issues with it what so ever.

Ms. Lewis stated that she had a letter from the Benton County fire marshal indicating cooperation with the business should any emergencies arise.

Ms. Lewis also addressed possible storm water drainage issues on her property. She stated that the property has always flooded and that the grading her company installed has actually mitigated some storm water runoff into Meadow Wood Drive. The ground is now graded in a way which allows for a slight slope away from the road. Ms. Lewis stated that the fence currently in place is not causing any additional flooding; as it's been there since 2008. Ms. Lewis did admit that in the event of a heavy rain fall storm water will flow across the road and down a drainage channel on her property.

Ms. Lewis also stated that she and her husband do not mind installing a vegetative buffer along the south and eastern fence lines of their property. Ms. Lewis also stated that she spoke with the Planning Department and was told she did not need Planning Board approval. When it came to her attention that she did in fact need approval she began the planning process.

Board Comments:

Mr. Curtis asked for clarification on the aerial maps. Staff provided the clarification.

Mr. Gurel asked about the time period for car storage on the property.

Mrs. Lewis stated that the average is (8) eight days, but the longest is (45) forty five days we.

Mr. Curtis asked about the light pole on property, he inquired as to its height and whether or not it was a power pole.

Mrs. Lewis stated that the pole has a transformer on it, and sits (5) five to (8) eight feet below the transformer. Ms. Lewis stated that the light was installed by the city of Siloam Springs and remains lit at all times. It has been in place on the property since 2008. Ms. Lewis indicated that State requires the light to remain on at all times.

Mr. Gurel inquired as to whether the towing trucks must turn on lights when dropping off vehicles. Mr. Gurel also asked if there was any noise associated with the truck.

Mrs. Lewis stated that the truck has orange cab lights, and lights in the front and back of bed and then the back lights. The truck also makes a standard beeping notification when it backs up.

Mr. Ryan stated that staff will inquire about light shielding.

Mr. Gurel stated that the Benton County ordinance has a section requiring the compatibility of uses on adjacent parcels. The compatibility ordinance allows the Board to determine whether a business is compatible by offsite nuisance, sound, odor, glare, and run off chemicals. The Planning Board must determine whether the property owner can contain nuisances to the property.

Mrs. Lewis stated that she has proposed limited hours of operation and a landscape buffer in order to mitigate off site nuisances.

Mr. Curtis asked about the flow of water on the property, as well as the surface of the lot...

Mrs. Lewis stated that her neighbors to the south dug a small ditch in order to catch storm water runoff. She also stated that the flow of water on her property northwest to southwest. Ms. Lewis also stated that in heavy rain the south west corner of her property may flood. Ms. Lewis indicated that the surface of her lot is gravel under grass.

Mr. Cole asked for an explanation of the 2008 litigation associated with her business.

Ms. Lewis stated that she had attempted to contact the Benton County Planning Office in 2008 in order to determine what she would need, planning wise, to operate her current business. Ms. Lewis stated that she was told she would need to file a Large Scale Development application. She was also told it would not pass because of opposition for neighbors. At this point Ms. Lewis hired a lawyer. The lawyer suggested she wait on the application for a period of time. Ms. Lewis then restarted the application process in December 2011. Mr. Ryan stated that the planning process was initiated by a complaint indicating business had initiated again. The complaint was followed up and the applicant was contacted.

Mrs. Leyva asked for more detail on the proposal to eliminate automotive fluids from leaking on to the lot.

Mrs. Lewis stated that her trucks all carry oil dry to put down on the road way, to make sure no automotive fluids contaminate the roadway. She also stated that any residual fluids will leak onto the beds of the roll up tow trucks. Ms. Lewis indicated that she has purchased 20x18 oil pans. In order to mitigate any other hazardous material runoff.

Mr. Curtis asked for the basis of Downtown Towing's business.

Mrs. Lewis stated that her company serviced repair shops in Siloam Springs, and that ninety percent of the wrecks in the area are handled by them.

Mr. Curtis then asked about wrecks that occurred after the proposed hours of operation. He also inquired if access to the lot could be regulated.

Mrs. Lewis stated that instead of taking it to the lot, they will keep it on the tow truck bed until the next morning and then it would be put onto the lot."

Mrs. Lewis stated that Down Town towing does not print their address or phone number.

Mr. Gurel stated that this agenda item would come before the board at the May 16th Public Hearing

Mr. Curtis asked for a clarification about the site line for the pole light.

Ms. Lewis indicated that she discussed the light with the neighbors to the north of the light and they did not have a problem with it.

Ms. Lewis asked for clarification about the reason behind allowing junk cars and trash on neighboring properties.

Mr. Curtis explained "We don't condone any items, in a neighborhood. We know it hurts property values for everyone. What separates yours from the neighbor who has a junk car in their driveway is that there is activity in and out, extra light, extra noise and other items involved. You are making money off this, so there are other factors involved than just having items scattered around your property."

Mr. Gurel cautioned Ms. Lewis to cease using her lot until she had approval from the Board.

By-Laws Discussion:

Mr. Ryan read through the by-laws and further discussion was made. Mr. Ryan stated that staff had a number of edits and modifications based on previous discussion of the by-laws, tonight's discussion.

Mr. Ryan also indicated that staff would complete further research before the next meeting.

Staff updates: None

The meeting was adjourned at 8:10 pm.